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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,587	12/15/2003	Christopher T. Evans	UNION STREET	1402
James C. Wray Suite 300 1493 Chain Bridge Road McLean, VA 22101			EXAMINER KUMAR, RAKESH	
			ART UNIT	PAPER NUMBER
			3654	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,587	<b>Applicant(s)</b> EVANS ET AL.	
	<b>Examiner</b> Rakesh Kumar	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 11/29/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10,15-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10,15-17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 60/433,006.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Final Rejection**

This Office Action is being resent to the Applicant because the Final Rejection dated 02/27/2007 did not refer to the appropriate cited reference.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 15-17 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Krzyzanowski (US 3,276,622) in view of Leopoldi (US 4,071,165).

Referring to claim 1. Krzyzanowski discloses an article dispenser (Figure 1-4) comprising a container (10) for holding a least one movable article (36), a cover (17) connected to the container (10), an extension (18) connected to a lever and extending into a container (10; Figure 2), a tip of the extension for engaging the at least one article (36) within the container (10), whereby moving the cover (17) moves the tip of the extension (the contacting tip of member 18) in the container (10) and slides the tip of the extension (the contacting tip of member 18) outward from the container (10; see Figure 1-4).

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Krzyzanowski does not disclose the article within in the dispenser container as being strips and further does not specifically disclose the tip of the extension having a friction surface.

Leopoldi disclose a dispenser container (10) comprising a stack of paper (12) strips wherein the engaging extension (22) further comprises a high friction coating (29) to engage and slidably move the topmost paper strip from the stack.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dispenser of Krzyzanowski to include the articles contained in the dispenser to be paper strips and further include a friction surface at the tip of the extension as taught by Leopoldi because the dispenser apparatus could be used to dispense a wide array of article and the high friction surface would provide a better friction contact between the tip of the extension and the top most strip in the stack.

Regarding claim 2. Krzyzanowski discloses an article dispenser (Figure 1-4) wherein the cover (17) is the lever and is pivoted on a hinge (27 and 27a) connected to the container (10)

Regarding claim 3. Krzyzanowski discloses an article dispenser (Figure 1-4) wherein the extension (18) extends in a direction (toward the rear of the container) from the hinge (27 and 27a) opposite a direction (toward the front of the container) of the lever (17).

Regarding claims 4 and 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dispenser of Krzyzanowski in

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view of Leopoldi such that the friction surface is disposed at the bottom side of the member (18; inside portion of the tip at 18) because manufacturing the dispenser would be easier and more cost effective.

Regarding claims 5,6 and 8-10. See rejections above. Krzyzanowski discloses an article dispenser (Figure 1-4) further comprising a dispensing opening (front of the dispenser) at one end of the container and a closure (21) connected to a lever (17) for moving with the lever (17) and closing the opening when the lever (17) is aligned away from the container (10).

Referring to claims 15-17 and 20. See above. Although Krzyzanowski in view of Leopoldi do not explicitly disclose a method of using their apparatus, the method steps recited in the claims would inherently be performed when using the apparatus of Krzyzanowski in view of Leopoldi in their usual and expected fashion.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-10,15-17 and 20 have been considered but are moot in view of the new ground(s) of rejection. See rejection above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (571) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK  
February 16, 2007

  
GENE G. CRAWFORD  
SUPERVISORY PATENT EXAMINER